

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 668-C

Case No. 89-31C

(PUD & Map @ Judiciary Center)

March 14, 1994

By Z.C. Order No. 668 dated July 9, 1990, the Zoning Commission for the District of Columbia granted approval to an application from the 488 Associates Limited Partnership, the Salvation Army, The Fraternal Order of Police and John W. and Vinard Parris for consolidated review and approval of a planned unit development (PUD) and related amendment to the zoning map from SP-2 to C-3-C for lots 15-19, 24, 25, 821-823 and a closed public alley in Square 488, located at 500 5th Street, N.W.

The PUD approval was for the construction of a 120-foot office/retail building, subject to certain guidelines, conditions and standards. The PUD project would have a total gross floor area of 338,125 square feet, a maximum floor area ratio of 7.64 and a lot occupancy of 99 percent.

Z.C. Order No. 688 became final and effective on July 27, 1990. The validity of this order is for two years; that is, until July 27, 1992. Provided that application for a building permit is filed within that period of time, after which construction would have to start by July 27, 1993.

By Z.C. Order No. 688-A dated November 19, 1990, the Zoning Commission granted the applicant's request to modify Condition No. 6 of Z.C. Order No. 688, relating to ingress and egress. Z.C. Order No. 688-A became final and effective on December 28, 1990.

Pursuant to 11 DCMR 2406.10 of the Zoning Regulations, the Commission may extend the validity of the PUD approval for good cause shown upon a request made before the expiration of the approval.

By Z.C. Order No. 688-B, dated August 5, 1991, the Zoning Commission extended the validity of the PUD and Z.C. Order Nos. 668 and 668-A for two years; that is until July 27, 1994, provided that, application for a building permit was filed within that period of time, after which construction would have to start within three years; that is by July 27, 1995.

By letter dated November 24, 1993, counsel on behalf of the applicant, filed a request to extend the validity of the previous approved PUD for a period of two years.

This letter indicated that the basis for an extension of the validity of the PUD is as follows:

"At this time, the applicant hereby requests an additional two-year extension of the Orders to July 27, 1996 before application and plans must be filed for a building permit and July 27, 1997 before construction must commence. This request is necessary at this time so that the Applicant's primary efforts can continue to be focused on finding a tenant and financing, and so that the Applicant does not have to finalize permit drawings prior to identification of the lead tenant for the building."

By memorandum dated November 30, 1993, the District of Columbia Office of Zoning (OZ) referred this matter to the District of Columbia Office of Planning (OP) for an analysis of the effect of the request on any amendments to the Zoning Map or Regulations, or to the Comprehensive Plan for the National Capital, since the Zoning Commission initially decided the case.

By memorandum dated February 3, 1994, OP recommended that the applicant's request be granted and believes that no purpose would be served in this instance by denying the request. OP indicated the following:

"... the Office of Planning concludes that neither the Zoning Regulations and Map, nor the Comprehensive Plan, have changed since the Zoning Commission approved the subject PUD and map amendment. Given the time necessary for the present owner to find a lead tenant for the PUD project, the Office of Planning recommends that the Zoning Commission grant the applicant's request to extend the deadline for the filing of a building permit application to July 27, 1996, and to extend the deadline for commencing construction to July 27, 1997."

The Zoning Commission received no comments on this matter from ANC-2C, nor any other party or person.

On February 14, 1994 at its regular monthly meeting, the Zoning Commission considered the request from counsel for the applicant and the OP report. The Commission determined that an extension of time, as requested by the applicant, is reasonable and would not adversely affect any party or person.


The Commission believes that its proposed action to grant the request is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan or the National Capital, as amended.

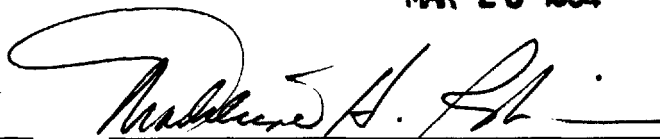
In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order Nos. 668, 668-A and 668-B be **EXTENDED** for a period of two years, that is, until July 27, 1996. Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in 11 DCMR 2406.8. Construction shall start within five years of the effective date of Z.C. Order No. 668; that is, not later than July 27, 1997.

Vote of the Zoning Commission taken at the monthly meeting on February 14, 1994: 4-0 (John G. Parsons, Jerrily R. Kress; William L. Ensign, and Maybelle Taylor Bennett, to approve a two-year PUD extension - William B. Johnson, not present, not voting).

This order was adopted by the Zoning Commission at the March 14, 1994 public meeting by a vote of 5-0 (William L. Ensign, John G. Parsons, Maybelle Taylor Bennett and William B. Johnson, to adopt and Jerrily R. Kress, to adopt by proxy).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on MAR 25 1994.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. ROBINSON
Director
Office of Zoning